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Attorneys for Defendant Jason Montgomery

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

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TINA CASTRO; COLLEGE PARK,	)	Cause No. CV -11-119-BLG-RFC
LCC; JIM EDWARDS; LARRY FOX;	)	
BRAD KEMBEL; LC PROPERTIES,	)	
LLC; CMG, INC.; JOHNSON	)	
LANE ENTERPRISES, INC.;	)	
JIM SWANSON; JERRY WILLIAMS;	)	
CATHY WILLIAMS; ERIKA	)	
WILLIAMS MADRIGAL;	)	<b>DEFENDANT JASON</b>
and BROCK WILLIAMS,	)	<b>MONTGOMERY'S RULE 12(b)(6)</b>
	)	<b>MOTION TO DISMISS</b>
Plaintiffs,	)	
	)	
vs.	)	
	)	
EXXONMOBIL OIL	)	
CORPORATION; EXXONMOBIL	)	
PIPELINE COMPANY; JON R.	)	
WETMORE, individually; and	)	
JASON MONTGOMERY,	)	
individually,	)	
	)	
Defendants.	)	

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Defendant Jason Montgomery, by and through his counsel of record, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure respectfully moves the Court for an Order dismissing him from the Complaint filed in this matter on the grounds that the Complaint fails to state a claim upon which relief can be granted. In support of this Motion, defendant has filed with the Court his Brief setting forth the legal basis for the filing of this Motion.

**DATED** this 9<sup>th</sup> day of December, 2011.

STACEY & FUNYAK

By: /s/ Calvin J. Stacey  
Calvin J. Stacey  
Stacey & Funyak  
Attorneys for Defendant  
\_\_\_\_\_  
Jason Montgomery

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of December, 2011, a true and correct copy of the foregoing ***Defendant Jason Montgomery's Rule 12(b)(6) Motion to Dismiss*** was served upon the following person(s) by the following means:

1,2,3,4,5      CM/ECF  
\_\_\_\_\_ Hand Delivery  
\_\_\_\_\_ Mail  
\_\_\_\_\_ Overnight Delivery  
\_\_\_\_\_ Fax  
\_\_\_\_\_ E-Mail

1. Clerk of District Court
2. A. Clifford Edwards  
A. Christopher Edwards  
John W. Edwards  
EDWARDS, FRICKLE & CULVER  
P.O. Box 20039  
Billings, Montana 59104-0039
3. W. Scott Mitchell  
William W. Mercer  
Michael P. Manning  
HOLLAND & HART  
P.O. Box 639  
Billings, Montana 59103-0639
4. Mark D. Parker  
Shawn P. Cosgrove  
PARKER, HEITZ & COSGROVE  
P.O. Box 7212  
Billings, Montana 59103-7212
5. Carey E. Matovich  
Brooke B. Murphy  
Joseph L. Breitenbach  
MATOVICH, KELLER & MURPHY  
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Billings, Montana 59103-1098

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By: /s/ Calvin J. Stacey  
Calvin J. Stacey  
Stacey & Funyak  
Attorneys for Defendant  
Jason Montgomery

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